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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,662	07/25/2003	Chien-Chang Wang	3313-1018P	1817
2292	7590	11/22/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				NGUYEN, HANH N
ART UNIT		PAPER NUMBER		
				2834

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/626,662	WANG ET AL.	
	Examiner	Art Unit	
	Nguyen N Hanh	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Telephone Interview on 11/9/04.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3,5,6,8-16,18 and 19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-3,5,6,8-16,18 and 19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 20 August 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) ✓
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

Remarks

1. In view of amendments, the Examiner withdraws the objection to the drawings and the rejection under 35 USC 112, first paragraph to claim 4. The cancellation of claims 4, 7 and 17 has been acknowledged.

Specification

2. The amendment filed 8/20/2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "another variation of the second embodiment is shown in FIG. 1C. In this arrangement, the magnetic center line, that is, the line between the north and south poles of the spindle magnetic unit, is lower than the magnetic center line of the stator magnetic unit. As a result, force is generated in the downward direction, causing an axial prestressing force to the spindle. Thus, the friction between the spindle and the loading section 70 is increased so that the spindle is less likely to move transversely along the surface of the loading section 70".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-3, 5, 6, 8-16, 18 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1, the limitation: "a magnetic center line of the spindle magnetic unit being lower than a magnetic center line of the stator magnetic unit so as to generate an axial prestressing force on the spindle" is a new matter and was not described in the specification.

Claims 2, 3, 5, 6, 8-16, 18 and 19 depend on claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5, 12, 14 and 16 are rejected under 35 U.S.C. 103(a) over Ritts in view of Ichiyama.

Regarding claim 1, Ritts discloses a magnetic suspension bearing (Fig. 8) adopted for use on a rotational device which consists of a stator (114), a spindle (116) and a base dock for holding the stator (bottom plate), the spindle being rotationally coupled with the stator through the magnetic suspension bearing, the magnetic suspension bearing comprising: two magnetic ring sets each including a stator magnetic

unit (110 and 112) abutting a top side and a bottom side of the stator and a spindle magnetic unit (118 and 120) coupled on two ends of the spindle corresponding to the stator magnetic unit to generate repulsive magnetic forces against the stator magnetic unit and allow the spindle to space from the stator at a selected distance in normal conditions, a loading section (a section corresponding to section 16 in Fig. 1) located at one end of the spindle to hold the spindle. Ritts fails to show a magnetic center line of the spindle magnetic unit being lower than a magnetic center line of the stator magnetic unit so as to generate an axial prestressing force on the spindle.

However, Ichiyama discloses a dynamic bearing wherein a magnetic center line of the spindle magnetic unit being lower than a magnetic center line of the stator magnetic unit so as to generate an axial prestressing force (84 and 85 in Fig. 5 and on Col. 9, lines 1-10) for the purpose of ensuring the stable attitude of the rotating part.

Since Ritts and Ichiyama are in the same field of endeavor, the purpose disclosed by Ichiyama would have been recognized in the pertinent art of Ritts.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Ritts by making a magnetic center line of the spindle magnetic unit being lower than a magnetic center line of the stator magnetic unit so as to generate an axial prestressing force on the spindle as taught by Ichiyama for the purpose of ensuring the stable attitude of the rotating part.

Regarding claim 3, Ritts also discloses a magnetic suspension bearing wherein the loading section is located on the bottom end of the spindle and is interposed between the spindle and the base dock.

Regarding claim 5, Ritts also discloses a magnetic suspension bearing wherein the loading section is a friction pad.

Regarding claim 12, Ritts also discloses a magnetic suspension bearing wherein the spindle magnetic unit is magnetized radially, and the stator magnetic unit is magnetized radially in an opposite magnetized direction of the spindle magnetic unit.

Regarding claim 14, Ritts also discloses a magnetic suspension bearing wherein the spindle is in contact with the loading section on a single point.

Regarding claim 16, Ritts also discloses a magnetic suspension bearing wherein the loading section has a substantially flat top side.

Regarding claim 2, Ritts and Ichiyama show all limitations of the claimed invention except showing the stator magnetic unit and the spindle magnetic unit have a vertical difference less than 1 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the stator magnetic unit and the spindle magnetic unit having a vertical difference less than 1 mm, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claims 18 and 19, Ritts and Ichiyama disclose the claimed invention except for showing the loading section has a substantially concave arched side or a substantially convex arched side in contact with the spindle.

It would have been an obvious matter of design choice to make the loading section has a substantially concave arched side or a substantially convex arched side, since such modification would have involved a mere change in the shape of a

component. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ritts in view of Ichiyama and further in view of Wehde et al.

Regarding claim 15, Ritts and Ichiyama show all limitations of the claimed invention except showing the magnetic suspension bearing wherein the loading section has a cavity to receive one end of the spindle

However, Wehde et al. discloses the magnetic suspension bearing wherein the loading section has a cavity to receive one end of the spindle for the purpose of holding the spindle (Fig. 1).

Since Ritts, Ichiyama and Wehde et al. are in the same field of endeavor, the purpose disclosed by Wehde et al. would have been recognized in the pertinent art of Ritts and Ichiyama.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Ritts and Ichiyama by forming a cavity to receive one end of the spindle as taught by Wehde et al. for the purpose of holding the spindle.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ritts in view of Ichiyama and further in view of Tokushima et al.

Regarding claim 6, Ritts and Ichiyama show all limitations of the claimed invention except showing a magnetic suspension bearing wherein the loading section is

a lubrication unit which contains a small amount of oily substance to lubricate the spindle.

However, Tokushima et al. disclose a magnetic suspension bearing wherein the loading section is a lubrication unit which contains a small amount of oily substance (Fig.11) to lubricate the spindle for the purpose of reducing friction.

Since Ritts, Ichiyama and Tokushima et al. are in the same field of endeavor, the purpose disclosed by Tokushima et al. would have been recognized in the pertinent art of Ritts and Ichiyama.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Ritts and Ichiyama by making the loading section as a lubrication unit which contains a small amount of oily substance to lubricate the spindle as taught by Mc Hugh for the purpose of reducing friction.

7. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritts in view of Ichiyama and further in view of Jeong.

Regarding claim 9, Ritts and Ichiyama show all limitations of the claimed invention except showing a magnetic suspension bearing further having a stator separation ring located between the stator magnetic units at the top side and the bottom side of the stator.

However, Jeong discloses a magnetic suspension bearing further having a stator separation ring (the ring on top of magnet 90 in Fig. 6) located between the stator magnetic units at the top side and the bottom side of the stator for the purpose of separating the permanent magnets.

Since Ritts, Ichiyama and Jeong are in the same field of endeavor, the purpose disclosed by Jeong would have been recognized in the pertinent art of Ritts and Ichiyama.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Ritts and Ichiyama by using a stator separation ring located between the stator magnetic units at the top side and the bottom side of the stator as taught by Jeong for the purpose of separating the permanent magnets.

Regarding claim 8, it would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Ritts and Ichiyama by using a separation ring located between the spindle magnetic units at two ends of the spindle as taught by Jeong for the purpose of separating the permanent magnets.

Regarding claim 10, Jeong also shows a magnetic suspension bearing wherein the top side of the stator has a separator (the ring on the outside of magnet 60 in Fig. 6) to couple with the stator magnetic unit.

8. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritts in view of Ichiyama and further in view of Mc Hugh.

Regarding claims 11 and 13, Ritt and Ichiyama show all limitations of the claimed invention except showing a magnetic suspension bearing wherein the spindle magnetic unit is magnetized axially, and the stator magnetic unit is magnetized axially in the same magnetized direction of the spindle magnetic unit.

However, Mc Hugh discloses a magnetic suspension bearing wherein the spindle magnetic unit is magnetized axially, and the stator magnetic unit is magnetized axially in the same magnetized direction of the spindle magnetic unit (Fig. 1 and 2) for the purpose of forming a magnetic bearing.

Since Ritts, Ichiyama and Mc Hugh are in the same field of endeavor, the purpose disclosed by Mc Hugh would have been recognized in the pertinent art of Ritts and Ichiyama.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Ritts and Ichiyama by making the spindle magnetic unit and stator magnetic unit axially magnetized as taught by Mc Hugh for the purpose of forming a magnetic bearing.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Information on How to Contact USPTO

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (571) 272-2031. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Darren Schuberg, can be reached on (571) 272-2044. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

HNN

November 10, 2004


DARREN SCHUBERG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800